

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RACHANA DUONG, et al.,
Petitioners,
v.
DAVID JENNINGS, et al.,
Respondents.

Case No. 20-cv-02864-VC

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

This case is dismissed without prejudice. The Court was clear back in May 2020, when it was determining whether this and other individually filed cases should be related to the *Zepeda Rivas* class action, that the Court would only relate a case “if it includes nothing that falls outside the scope of this class action,” meaning “if the sole claim for relief in the individual case involves allegedly unconstitutional conditions of confinement relating to Covid-19 at Mesa Verde or Yuba County Jail.” Order Regarding Related Cases, Dkt. No. 176, *Zepeda Rivas, et al. v. Jennings, et al.*, Case No. 3:20-cv-02731-VC. In its order relating this case to the *Zepeda Rivas* action, the Court similarly provided that if the petitioners here “wish to pursue claims for relief unrelated to the pandemic, they must file a separate action.” Dkt. No. 19. Accordingly, the Court will not allow this case to proceed solely because of the possibility that the petitioners may want to amend their petition to seek relief beyond what they originally sought. As to relief they wish to pursue related to the original pandemic-related claims, the petitioners can seek this relief as part of the *Zepeda Rivas* class through the *Zepeda Rivas* lead counsel. As to additional relief, the petitioners are free to file a separate action, and that action will be randomly assigned.

IT IS SO ORDERED.

Dated: May 5, 2021



VINCE CHHABRIA
United States District Judge